

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 18 – 20 will have been amended. Accordingly, claims 1 – 20 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has objected to claims 19 and 20 based upon formal matters, and has rejected claims 18 – 20 as being directed to non-statutory subject matter and claims 1 – 20 over the art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Objection Under 37 C.F.R. 1.75(c) is Moot

Applicants submit the objection to claims 19 and 20 under 37 C.F.R. 1.75(c) is moot in view of the instant amendment to these claims. In particular, as claim 19 has been presented in independent form, the objection for improper dependent form is rendered moot. Moreover, as claim 20 has been amended to depend from claim 19, Applicants submit this objection, too, has been rendered moot.

Accordingly, Applicants request that the Examiner reconsider and withdraw the objection to claims 19 and 20 and indicate that these claims are in proper form and in compliance with the Patent Office rules.

Rejection Under 35 U.S.C. § 101 is Moot

Applicants submit that, by the present amendment to claims 18 – 20, the rejection of these claims under 35 U.S.C. § 101 is now moot. In particular, claims 18 – 20 have been

amended to clarify that the computer readable medium product is stored on a tangible medium, to avoid any confusion as to whether the claim is reciting a transmission medium.

As the Examiner's concerns with regard to the recitation of statutory subject matter in claims 18 – 20 have been addressed by the present amendment, Applicants request that the Examiner reconsider and withdraw the rejection of claims 18 – 20 under 35 U.S.C. § 101, and indicate that these claims are fully in compliance with the requirements of the statute.

Traversal of Rejection Under 35 U.S.C. § 102(e)

Applicants traverse the rejection of claims 1 – 20 under 35 U.S.C. § 102(e) as being anticipated by GRETTVE et al. (U.S. Patent No. 6,591,243) [hereinafter "GRETTVE"]. The Examiner asserts that GRETTVE shows all of the features recited in the above-noted claims. Applicants traverse the Examiner's assertions.

The present invention is directed to monitoring a supply between suppliers and clients, e.g., for industrial projects. In the non-limiting exemplary embodiment of the invention described in the application, the construction of an oil well is described. As many projects can be concurrently and/or successively occurring at the job site, it is preferable that supplies are available when needed to avoid the cost of downtime waiting for additional supplies. However, it may also be advantageous to avoid costs for paying for all supplies upfront and/or to avoid the cost associated with storing supplies (either already purchased or available on consignment) around the job site.

Accordingly, the invention monitors the supply of materials and usage of that supply to ensure that materials are available when needed without the expense of large upfront costs and/or costs for storing and maintaining materials at the job site when such materials are not presently needed. Applicants' independent claim 1 is directed to method implemented on a computer of

monitoring a supply between at least one supplier and at least one client, in which a client site has at least one project, and each project is associated with dated requirements for products, and maintaining a state of product stock and product purchases, and recites, *inter alia*, *creating a list of product types required for each project*, producing *at least one table for each product type* for a sequence of time slices having a chosen time origin, the at least one table having a *first running total* for each time slice from the time origin up to a time slice of interest of a *first quantity associated with the dated requirements of the client site*, a *second running total* for each time slice from a time origin up to a time slice of interest, of a *second quantity associated with the stock and the purchases*, wherein the purchases are shifted timewise according to a delay in time; and *searching the at least one table for times* at which the second running total is less than the first running total which is *indicative of a risk of at least one of a supply shortage and a necessity of initiating supply*. Applicants' independent claim 7 is directed to a system for monitoring a supply between at least one supplier and at least one client using a computer, and recites, *inter alia*, a monitoring module *configured to maintain in memory a dated state of requirements for products associated with at least one project* and further configured to *concurrently maintain in memory a state of stock and purchases of the products*, and the monitoring module comprises a control module that includes a requirements module configured to produce, for each product type, a *first table* associated with a sequence of time slices having a chosen time origin, wherein the first table associates with each time slice a *first running total of requirements* from a time origin up to a time slice of interest, a resources module configured to produce, for each product type, a *second table* associated with a sequence of time slices, wherein the second table associates with each time slice a *second running total of stock and purchases* from the time origin up to the time slice of interest, wherein the purchases are shifted timewise according to a

delay in time, and a *comparator that searches for times at which second running totals are less than first running totals which are indicative of a risk of a supply shortage*. Further, Applicants' independent claim 8 is directed to a system for monitoring a supply between at least one supplier and at least one client, and recites, *inter alia*, a monitoring module configured to *maintain in memory a dated state of requirements of products associated with one or more projects and configured to maintain in memory, at the same time, a state of the stock and purchases of the products*, and the monitoring module comprises a running total module that receives, as parameters, a designation of a product type, a mode, and a time origin, the running total module produces, for the designated product type, *a table associating successive time slices with a running total of product quantities* being defined by the mode, wherein each running total goes from the time origin up to a time slice of interest, and a control module that calls the running total module with a product type and a mode of requirements on a client site, to which *the running total module supplies a first table*, the control module calls the running total module with the same product type, and a mode of stock and deliveries, to which *the running total module supplies a second table*, and the control module *searches for times at which the running totals in the second table become less in the first table, which are indicative of a risk of supply shortage*. Applicants submit GRETTVE fails to disclose at least the above-noted features of the invention.

In contrast to the present invention, GRETTVE appears to simply describe an automated system for receiving and processing a purchase order. With regard to the processing, the supplier in GRETTVE receives product information from the customer to determine a demand time for refilling the customer storage, and then determines a delivery time and a demand quantity. The supplier then sets up the delivery and executes the same.

1. Independent Claim 1:

Thus, a careful review of GRETTVE reveals that the applied art fails to disclose *creating a list of product types required for each project*, as recited in at least independent claim 1. While GRETTVE discloses means for receiving customer product information, including customer product balance data, customer outflow demand data from the customer means, and customer's customer product information such as customer's customer product balance data and customer's customer outflow demand data from customer's customer means via the customer means, *see* GRETTVE, col. 3, lines 43 – 50, there is no disclosure of GRETTVE creating a list of product types required for each projects. At best, GRETTVE creates a purchase order for delivery to the customer, but this action by GRETTVE has no relation to customer projects, and therefore, cannot render this document anticipatory of Applicants' invention.

Further, Applicants note that GRETTVE does not even arguably disclose the production of at least one table for each product type, especially not a table having a sequence of time slices with a chosen time origin, as recited in at least independent claim 1. As GRETTVE is based upon an intended single delivery scheme by determining the optimum time for delivering the requested goods, GRETTVE has no need to consider sequences of time slices, as recited in Applicants. For this additional reason, Applicants submit GRETTVE fails to anticipate the instant invention.

Because GRETTVE fails to even arguably disclose the production of the recited at least one table for each product type for a sequence of time slices, Applicants submit that col. 4, lines 31 and 32 of GRETTVE cannot even arguably describe a *first running total* for each time slice from the time origin up to a time slice of interest of *a first quantity associated with the dated requirements of the client site*, as recited in at least independent claim 1. Similarly, as

GRETTVE fails to even arguably disclose the production of the recited at least one table for each product type for a sequence of time slices, Applicants submit that col. 4, lines 40 – 44 of GRETTVE cannot even arguably describe a *second running total* for each time slice from a time origin up to a time slice of interest, of a *second quantity associated with the stock and the purchases*, as recited in at least independent claim 1. Moreover, Applicants note that, as GRETTVE fails to disclose that purchases are shifted timewise according to a delay in time, the applied art fails to recite this additional feature of Applicants' claims.

Further, as GRETTVE fails to disclose the first and second running totals, Applicants submit that col. 4, lines 50 – 54 of GRETTVE cannot even arguably describe *searching the at least one table for times* at which the second running total is less than the first running total which is *indicative of a risk of at least one of a supply shortage and a necessity of initiating supply*. As discussed above, GRETTVE determines the optimum time for delivering the goods to the customer, but there is no disclosure in GRETTVE that this determination is based upon the recited running totals in Applicants' at least one table for each product type for a sequence of time slices. Instead, GRETTVE makes his determination based upon customer information data, as described above. Thus, for this additional reason, Applicants submit GRETTVE fails to anticipate the invention recited in at least independent claim 1.

Accordingly, Applicants submit that GRETTVE fails to show each and every recited element of at least independent claim 1, such that the Examiner has failed to establish an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(e). Therefore, Applicants submit the pending rejection is improper and should be withdrawn.

2. Independent Claims 7 and 19:

Applicants further note that a careful review of GRETTVE reveals that the applied art fails to disclose a monitoring module *configured to maintain in memory a dated state of requirements for products associated with at least one project* and further configured to *concurrently maintain in memory a state of stock and purchases of the products*, as recited in at least independent claims 7 and 19. While GRETTVE discloses means for receiving customer product information, including customer product balance data, customer outflow demand data from the customer means, and customer's customer product information such as customer's customer product balance data and customer's customer outflow demand data from customer's customer means via the customer means, *see GRETTVE*, col. 3, lines 43 – 50, there is no disclosure of GRETTVE having a module that *maintains a dated state of requirements for products associated with at least one project and maintains a state of stock and purchases of the products in memory*. At best, GRETTVE creates a purchase order for delivery to the customer, but this action by GRETTVE merely identifies a single date for delivery, and thus has no reason for maintaining the stock and purchases of the products in memory. Thus, Applicants submit this document can anticipate of Applicants' invention.

According to a further review of GRETTVE, there is no apparent disclosure of the first and second tables produced by the requirements module and the resources module, respectively, or of the requirements module and the resource module recited in the pending claims. Moreover, GRETTVE fails to disclose the first and second running totals for the each time slice in the respective first and second tables, as recited in at least independent claims 7 and 19. As discussed above, GRETTVE is based upon an intended single delivery scheme by determining the optimum time for delivering the requested goods, as such, GRETTVE has no need to

consider sequences of time slices, as recited in Applicants' independent claims 7 and 19. For this additional reason, Applicants submit GRETTVE fails to anticipate the instant invention.

Because GRETTVE fails to even arguably disclose the requirements module configured to produce the recited first table for each product type associated with a sequence of time slices, Applicants submit that col. 4, lines 31 and 32 of GRETTVE cannot even arguably describe a *first running total of requirements* from a time origin up to a time slice of interest, as recited in at least independent claims 7 and 19. Similarly, as GRETTVE fails to even arguably disclose the production of the recited at least one table for each product type for a sequence of time slices, Applicants submit that col. 4, lines 40 – 44 of GRETTVE cannot even arguably describe a *second running total of stock and the purchases* from the time origin up to the time slice of interest, as recited in at least independent claims 7 and 19. Moreover, Applicants note that, as GRETTVE fails to disclose that purchases are shifted timewise according to a delay in time, the applied art fails to recite this additional feature of Applicants' claims.

Further, as GRETTVE fails to disclose the first and second running totals, Applicants submit that col. 4, lines 50 – 54 of GRETTVE cannot even arguably describe a comparator that *searches for times* at which second running totals are less than first running totals which are *indicative of a risk of at least one of a supply shortage*, as recited in at least independent claims 7 and 19. As discussed above, GRETTVE determines the optimum time for delivering the goods to the customer, but there is no disclosure in GRETTVE that this determination is based upon the recited running totals in Applicants' at least one table for each product type for a sequence of time slices. Instead, GRETTVE makes his determination based upon customer information data, as described above. Thus, for this additional reason, Applicants submit GRETTVE fails to anticipate the invention recited in at least independent claims 7 and 19.

Accordingly, Applicants submit that GRETTVE fails to show each and every recited element of at least independent claims 7 and 19, such that the Examiner has failed to establish an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(e).

Therefore, Applicants submit the pending rejection is improper and should be withdrawn.

3. Independent Claim 8:

Similar to independent claims 7 and 19 discussed above, a careful review of GRETTVE also reveals that the applied art fails to disclose a monitoring module *configured to maintain in memory a dated state of requirements for products associated with one or more projects and configured to maintain in memory, at the same time, a state of the stock and purchases of the products*, as recited in at least independent claim 8. While GRETTVE discloses means for receiving customer product information, including customer product balance data, customer outflow demand data from the customer means, and customer's customer product information such as customer's customer product balance data and customer's customer outflow demand data from customer's customer means via the customer means, *see* GRETTVE, col. 3, lines 43 – 50, there is no disclosure of GRETTVE having a module that *maintains a dated state of requirements for products associated with one or more projects and maintains a state of the stock and purchases of the products in memory*. At best, GRETTVE creates a purchase order for delivery to the customer, but this action by GRETTVE merely identifies a single date for delivery, and thus has no reason for maintaining the stock and purchases of the products in memory. Thus, Applicants submit this document can anticipate of Applicants' invention.

According to a further review of GRETTVE, there is no apparent disclosure of the running total module that receives, as parameters, a designation of a product type, a mode, and a time origin, the running total module produces, for the designated product type, *a table*

associating successive time slices with a *running total of product quantities* being defined by the mode, wherein each running total goes from the time origin up to a time slice of interest, as recited in at least independent claim 8. In fact, Applicants note that GRETTVE fails to disclose any device for producing a table associating successive time slices with a *running total of product quantities* being defined by the mode. As discussed above, GRETTVE is based upon an intended single delivery scheme by determining the optimum time for delivering the requested goods, as such, GRETTVE has no need to consider successive time slices, as recited in Applicants' independent claim 8. For this additional reason, Applicants submit GRETTVE fails to anticipate the instant invention.

Because GRETTVE fails to even arguably disclose the recited control module of at least independent claim 8, this document fails to disclose calling the running total module with a product type and a mode of requirements on a client site, to which the running total module supplies a first table, calling the running total module with the same product type, and a mode of stock and deliveries, to which the running total module supplies a second table, and searching for times at which the running totals in the second table become less in the first table, which are indicative of a risk of supply shortage, which are also recited in at least independent claim 8. Thus, for these additional reasons, Applicants submit GRETTVE fails to anticipate the invention recited in at least independent claim 8.

Accordingly, Applicants submit that GRETTVE fails to show each and every recited element of at least independent claim 8, such that the Examiner has failed to establish an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(e). Therefore, Applicants submit the pending rejection is improper and should be withdrawn.

4. Dependent Claims:

Further, Applicant submits that claims 2 – 6, 9 – 18, and 20 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that GRETIVE fails to anticipate the invention recited in at least claims 2 – 6, 9 – 18, and 20, such that the pending rejections should be considered and withdrawn.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 – 20 under 35 U.S.C. § 102(e) and indicate that these claims are allowable in next official communication.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

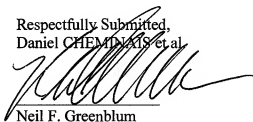
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 – 20. The claims have been amended to eliminate any arguable basis for rejection based solely upon formal matters. In addition, the applied references

of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully Submitted,
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